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Attorney for Defendant, ABSOLUTE
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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

BANK OF AMERICA, N.A.,

Plaintiff,

v.

CORTEZ HEIGHTS HOMEOWNERS
ASSOCIATION; SFR INVESTMENTS
POOL 1, LLC; and ABSOLUTE
COLLECTION SERVICES, LLC,

Defendants.

CASE NO.: 2:16-cv-00604-GMN-DJA

**MOTION TO WITHDRAW AS COUNSEL
FOR ABSOLUTE COLLECTION
SERVICES, LLC**

COMES NOW, Shane D. Cox, Esq., the attorney of record for ABSOLUTE COLLECTION SERVICES, LLC, ("ACS"), and pursuant to the Nevada Rules of Professional Conduct 1.16, ABA Model Rules 1.16, and LR IA 11-6, hereby moves this Honorable Court for an Order granting his Motion to Withdraw as Counsel. Shane D. Cox, Esq. ("Counsel") seeks to be removed as attorney of record for ABSOLUTE COLLECTION SERVICES, LLC.

This Motion is made and based upon the attached Declarations, the papers and pleadings on file herein, the memorandum of points and authorities that follow, and any such oral argument this Court may entertain during the hearing of this matter.

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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. Introduction**

3 Counsel for ABSOLUTE COLLECTION SERVICES, LLC (“ACS”), Mr. Shane D. Cox,
4 Esq. (“Counsel”), respectfully requests to this Court to withdraw as counsel of record for ACS.
5 Pursuant to NRPC 1.14, and ABA Model Rules of Professional Conduct 1.14, Counsel does not seek
6 any delay in trial or harm to ACS. Rather, continued representation of ACS will be impossible to
7 Counsel.
8

9 **II. Argument**

10 NRPC 1.14(a)(3) and ABA Model Rules of Professional Conduct 1.14(a)(3) provide that a
11 lawyer shall withdraw from the representation of a client if the lawyer is discharged. Here, ACS has
12 discharged Counsel. *See* Exhibit A, Declaration of Shane D. Cox, Esq. Therefore, this Court should
13 grant this Motion. Although no other counsel has been named, it is clear that Counsel has been
14 discharged.
15

16 Further, NRPC and ABA Model Rules of Professional Conduct 1.14(b) provides that a lawyer
17 may withdraw from representing a client if any of the following occur: (1) Withdrawal can be
18 accomplished without material adverse effect on the interests of the client; (5) The client fails
19 substantially to fulfill an obligation to the lawyer regarding the lawyer’s services and has been given
20 reasonable warning that the lawyer will withdraw unless the obligation is fulfilled; (6) The
21 representation will result in an unreasonable financial burden on the lawyer or has been rendered
22 unreasonably difficult by the client; or (7) Other good cause for withdrawal exists.
23

24 This request is not made to delay trial, but rather is an equitable result. ACS acknowledged in
25 multiple other cases with similar filings that it ran a risk of being defaulted. *See* Exhibit B,
26
27
28

1 Declaration of Kelly Mitchell. ACS did not retain subsequent counsel in all other cases in which I
2 filed a Motion to Withdraw.¹

3 This request is made in good faith and does not seek to negatively affect ACS or delay the
4 proceedings. Rather, ACS has made the decision to terminate Counsel and proceed without an
5 attorney. Together, Rule 1.16(a)(3) and Rule 1.17(b) confirm that this Court should GRANT this
6 Motion to Withdraw as Counsel of Record.
7

8 Counsel provides contact information for its client, ACS, as part of Exhibit A.

9 Dated this 20th day of May, 2021.
10

11 SHANE D. COX

12 /s/ Shane D. Cox
13 SHANE D. COX, ESQ.
14 Nevada Bar No. 13852
15 9620 Windom Point Ave.
Las Vegas, NV 89129

16 **ORDER**

17 **IT IS SO ORDERED**

18 **DATED:** 2:02 pm, June 02, 2021

19 

20 **BRENDA WEKSLER**
21 **UNITED STATES MAGISTRATE JUDGE**
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27
28 ¹ See e.g., 2:16-cv-524-RFB-NJK; 2:16-cv-402-RFB-DJA; 2:16-cv-351-RFB-NJK; 2:16-cv-678-APG-DJA